



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$229,945.64), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$30,000.99).

MEETING DATE: July 26, 2005 Special City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation and various other cases being handled by Outside Counsel in the total amount of \$229,945.64, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$30,000.99 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn and Kronick, Moskovitz, Tiedemann & Girard, as well an invoice from JAMS for mediation services incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water/Wastewater accounts (\$30,000.99). Deductions are reflected in parenthesis.

Folger, Levin & Kahn

Invoice No.	Date	Description	Total Amount	Distribution	
				171399.7323	183453.7323
88043	04/30/05	Farr Associates v City of Lodi	1,141.17	570.59	570.59
87962	04/30/05	Environmental Forensic v City of Lodi	7,248.30	3,624.15	3,624.15
88040	04/30/05	Magellan Env v City of Lodi	3,873.00	1,936.50	1,936.50
			(940.00)	470.00	470.00
88001	04/30/05	People v M&P Investments	101,347.94	50,673.97	50,673.97
			(4,395.00)	(2,197.50)	(2,197.50)
88041	04/30/05	Hartford Insurance Coverage Litigation	24,847.07	12,423.54	12,423.54
			(211.50)	(105.75)	(105.75)
88044	04/30/05	People v. Randtron	511.86	255.93	255.93
88047	04/30/05	Fireman's Fund/Unigard Appeal	31,011.93	15,505.97	15,505.97
			(235.00)	(117.50)	(117.50)
88049	04/30/05	Envision Law Group	27,724.38	13,862.19	13,862.19
				-	-
			191,924.15	95,962.08	95,962.08

APPROVED:


Blair King, City Manager

Kronick, Moskovitz, Tiedemann & Girard

Invoice No.	Date	Description	Total	Distribution		
			Amount	100351.7323	171399.7323	183453.7323
220396	05/25/05	On-Site Litigation Support	1600		800	800
220397	05/25/05	General advice	375.77	375.77		
220397	05/25/05	Fireman's Fund v. Col(04-15136)	90.00		45.00	45.00
220397	05/25/05	Lodi First v. City of Lodi	6,949.62	6,949.62		
220397	05/25/05	Citizens for Open Govt.v.Col	10,280.90	10,280.90		
			19,296.29	17,606.29	845.00	845.00

Kronick, Moskovitz, Tiedemann & Girard

Invoice No.	Date	Description	Total	Distribution		
			Amount	100351.7323	171399.7323	183453.7323
220723	06/25/05	On-Site Litigation Support	2000		1000	1000
220724	06/25/05	General advice	200.00	200.00		
220724	06/25/05	Fireman's Fund v. Col(04-15136)	987.00		493.50	493.50
220724	06/25/05	Hartford Litigation	38.00		19.00	19.00
220724	06/25/05	Col v. M&P Investments	100.56		50.28	50.28
220724	06/25/05	SphereofInfluence-WhiteSlough	12.39		12.39	
220724	06/25/05	Lodi First v. City of Lodi	4,135.15	4,135.15		
220724	06/25/05	Citizens for Open Govt.v.Col	8,059.55	8,059.55		
			15,532.65	12,394.70	1,575.17	1,562.78

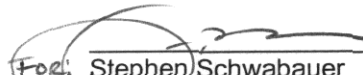
JAMS

Invoice No.	Date	Description	Total	Distribution	
			Amount	171399.7323	183453.7323
0000961211-110	2005	Mediation Services M&P Investments	\$ 3,192.55	\$ 1,596.27	\$ 1,596.27

FISCAL IMPACT: Expenses in the amount of \$30,000.99 for legal representation related to miscellaneous City matters being handled by outside counsel will be paid out of the General Fund (\$29,425.22 of this amount will be billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation).

FUNDING AVAILABLE:

Water	\$ 99,978.52
Wastewater	\$ 99,966.13
General Fund	\$ 30,000.99


 For: Stephen Schwabauer
 City Attorney

Approved:


 Jim Krueger, Finance Director